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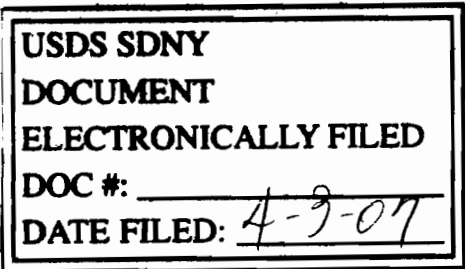
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March 29, 2007



Honorable Victor Marrero, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: Norkus Enterprises, Inc. v. Getty Company, Inc., et als.
Docket No. 05-cv-10207 (VM)

Dear Judge Marrero:

This firm represents the plaintiff in the above-captioned matter. On Monday, March 26, 2007, the parties appeared for a conference before Magistrate Judge Theodore Katz. At the conference, the parties agreed to a resolution of a majority of the remaining issues involved in the matter. This resolution requires the plaintiff to undertake actions to remediate an environmental condition on its property with financial assistance from the defendants. However, this agreement leaves open certain issues which may or may not be resolved by the remediation process.

Judge Katz suggested that we advise Your Honor of the progress made in the case and request that the matter be placed on the suspended list pending resolution of the remediation issues. The agreement requires the parties, if they are unable to resolve all issues at the end of the remediation, to request Judge Katz's assistance in the

The Certified designation by the New Jersey Supreme Court is limited to attorneys who have demonstrated 1) substantial involvement in trial matters in Superior Court, 2) an unblemished reputation as attested to by judges and attorneys, and 3) substantial knowledge and continuing legal education shown by passing a special written examination on trial practice. Mr. Lomurro, Mr. Eastman, Mr. Heugle, Mr. Comer and Mr. Schottland are Certified Civil Trial Attorneys. Mr. Lomurro and Mr. Bonney are Certified Criminal Trial Attorneys. Ms. Munson and Ms. White O'Brien are Certified Matrimonial Law Attorneys.

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resolution of those remaining issues. If the parties are able to resolve all remaining issues without court intervention, the case will be dismissed with prejudice and without costs.

The parties appreciate Your Honor placing the case on the suspended list while the parties proceed with their agreement.

By copy of this letter I am informing the attorneys for the defendants of the request being made of the Court.


Respectfully submitted,



JAMES M. MCGOVERN, JR.

JMM:kg1

cc: Theodore H. Katz, United States Magistrate Judge
Heather Foran, Esq.
Gerard K. Norkus

<i>Request GRANTED. The Clerk of Court is directed to place this case on the Court's discovery docket pending the mediation proceedings set & caused above. The parties are directed to submit a status report within 60 days of this order.</i>	
SO ORDERED:	
<i>4-3-07</i>	
DATE	VICTOR MARRERO, U.S.D.J.